

proceeding the true owner or owners of the lands shall appear in person, they may be made parties defendant of their own motion and without the necessity of personal service, and shall thereafter be considered as parties to the proceeding, but they shall have no right to except to or appeal from any order or judgment theretofore rendered, as to which the time for filing exceptions on notice shall have expired.

SEC. 4. That the State Treasurer shall pay the compensation and expenses of the drainage engineer and his necessary assistants as provided herein, according to an itemized statement approved by the clerk of the court to whom the petition for a drainage district was made, and the State Geologist, upon warrant of the State Auditor, out of any money in the State Treasury to the credit of the Department of Agriculture: *Provided*, that said sum or sums shall be refunded to the State Treasury to the credit of the Department of Agriculture by the petitioners for the drainage district if the drainage district is not established: *Provided further*, that if the drainage district is established said sum or sums shall be refunded to the State Treasury to the credit of the Department of Agriculture out of the first moneys received from the sale of the bonds of said drainage district: *Provided*, that not more than two thousand dollars shall be advanced to any one district; and *Provided further*, that before any advancement is made for the purposes herein expressed, the bond of the petitioners required by section two of said chapter shall be first approved by the Attorney-General.

Payment of engineer and assistants by State.

Proviso: payment by petitioners.

Proviso: repayment by drainage district.

Proviso: limit of advance.

Proviso: bond approved by attorney-general.

SEC. 5. The board of viewers shall proceed to examine the land described in said petition, and other land if necessary to locate properly such improvement or improvements as are petitioned for, along the route described in the petition or any other route answering the same purpose if found more practicable or feasible, and may make surveys such as may be necessary to determine the boundaries and elevation of the several parts of the district, and shall make and return to the clerk of the Superior Court within thirty days unless the time shall be extended by the court, a written report, which shall set forth:

Examination by board of view.

Return.

Details of report.

1. Whether the proposed drainage is practicable or not.
2. Whether it will benefit the public health or be conducive to the general welfare of the community.
3. Whether the improvement proposed will benefit the lands sought to be benefited.

4. Whether or not all the lands that are benefited are included in the proposed drainage district.

SEC. 6. The clerk of the Superior Court shall consider this report. If the viewers report that the drainage is not practicable or that it will not benefit the public health or be conducive to the general welfare of the community, and the court shall approve

Clerk to consider report.

Petition dismissed.